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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	PACA Docket No. D-06-0010
	)	
Angelo Hinojosa d/b/a/ Jesse Sales	)	
and Jesse Hinojosa Sales	)	
	)	
and	)	
	)	
Jesse Hinojosa, Inc.	)	
	)	
Respondents	)	Decision Without Hearing by Reason of Consent

**Preliminary Statement**

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a *et seq.*) ("the Act") and the regulations issued thereunder (7 C.F.R. Part 46)("the Regulations"), instituted by a Complaint filed on April 21, 2006 by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture.

The Complaint alleged that Angelo Hinojosa, doing business as Jesse Sales and as Jesse Sales (hereinafter "Individual Respondent"), made, for a fraudulent purpose, false and misleading statements in connection with transactions in perishable agricultural commodities that Individual Respondent purchased, accepted, and sold in interstate commerce during the period November 2002 through December 2002. Specifically, the Complaint alleged that: Individual Respondent made 38 alterations to six USDA inspection certificates to falsely represent various elements in the certificates, including the date of inspection, brand name, number of containers, percentage of defects, and range of defects; these altered certificates were submitted to a supplier from whom Individual Respondent had purchased produce; this supplier adjusted its invoices based upon

false representations Individual Respondent made in the inspection certificates; as a result of those falsifications, Individual Respondent paid this supplier \$36,635.25 less than the full amount invoiced. The Complaint further alleged that Individual Respondent issued a false account of sale to his supplier in connection with one of the transactions involving an altered inspection certificate.

In regard to Respondent Jesse Hinojosa, Inc. (hereinafter "Corporate Respondent"), the Complaint alleged that Corporate Respondent failed to make full payment promptly in the total amount of \$316,798.60 to five (5) sellers for 44 lots of perishable agricultural commodities which it purchased, received, and accepted in interstate and foreign commerce during the period December 5, 2003 through April 14, 2004.

Complainant requested that the Administrative Law Judge find that Respondents have wilfully, flagrantly and repeatedly violated Section 2(4) of the PACA (7 U.S.C. § 499b(4)), and order that the facts and circumstances of these violations be published.

A copy of the Complaint was served upon Respondents, which filed an Answer, denying the allegations of the complaint.

Respondent Angelo Hinojosa ("Individual Respondent") admits the jurisdictional allegations in paragraph II of the complaint and specifically admits that the Secretary has jurisdiction in this matter, and neither admits nor denies the allegations that Individual Respondent altered inspection certificates and issued a false accounting. Corporate Respondent admits the allegations that Corporate Respondent failed to pay for produce purchased in interstate commerce. Individual Respondent and Corporate Respondent waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

Individual Respondent, Corporate Respondent, and Complainant have now agreed to the entry of a Decision Without Hearing by Reason of Consent as to these allegations as set forth

herein. Therefore, this Decision Without Hearing by Reason of Consent is entered without further procedure or hearing pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

### **Findings of Fact**

1. Angelo Hinojosa ("Individual Respondent") is an individual doing business as Jesse Sales and as Jesse Hinojosa Sales. Individual Respondent's business address is 122 E. Parker Road, Houston, Texas 77076-3143. Individual Respondent's mailing address is P.O. Box 38463, Houston, Texas 77238-8463.

2. At all times material herein, Individual Respondent was licensed under the PACA. PACA license number 20010430 was issued to Individual Respondent on January 18, 2001. Upon Individual Respondent's license renewal of January 18, 2003, it was determined that Individual Respondent had incorporated. The renewal fee that Individual Respondent had submitted was applied to the new license for Corporate Respondent, and PACA license number 20010430 terminated on February 12, 2003.

3. Jesse Hinojosa, Inc. ("Corporate Respondent") is a corporation incorporated in the state of Texas. Its business mailing address is 2701 Porter Street, Houston, Texas 77026-3223.

4. At all times material herein, Corporate Respondent was licensed under the PACA. License number 20030616 was issued to Corporate Respondent on February 12, 2003. Corporate Respondent reported in its PACA license application that Angelo Hinojosa is its 100% owner. This license terminated on February 12, 2006, pursuant to Section 4(a) of the PACA (7 U.S.C. §499d(a)), when Corporate Respondent failed to pay the required annual renewal fee.

5. During the period December 5, 2003 through April 14, 2004 Corporate Respondent failed to make full payment promptly of the agreed purchase price for 44 lots of perishable agricultural commodities, which it purchased, received, and accepted in interstate commerce from five (5) sellers, in the total amount of \$316,798.60.

### **Conclusion**

Respondents admit the jurisdictional allegations of the Complaint. Individual Respondent neither admits nor denies the remaining allegations of the Complaint. Corporate Respondent admits that its failure to make full payment promptly for perishable agricultural commodities, as set forth in Finding of Fact 5 above, constitutes wilful, flagrant and repeated violations of section 2(4) of the PACA.

## Order

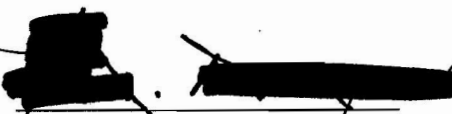
Respondents are found to have engaged in wilful, repeated and flagrant violation of Section 2(4) of the PACA (7 U.S.C. § 499b(4)).

The facts and circumstances of these violations shall be published pursuant to Section 8(a) of the PACA (7 U.S.C. § 499h(a)).


This order shall become final upon issuance. Copies of this order shall be served upon the parties.

Done at Washington, D.C.


this 13<sup>th</sup> of February, 2007

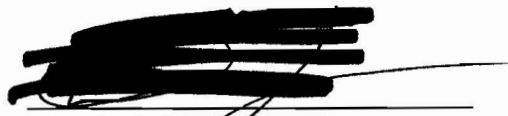
  
Administrative Law Judge  
PETER M. DAVENPORT

For Respondent

  
Angelo Hinojosa  
individually and  
for Jesse Hinojosa, Inc.

For Complainant

  
Associate Deputy Administrator  
Fruit and Vegetable Programs  
Agricultural Marketing Service

  
Dennis A. McQueen, Esq.  
Attorney for Respondents

  
Charles L. Kendall, Esq.  
Attorney for Complainant